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## STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2011-21

Legistar #: 20110556

Board of Zoning Appeals Hearing: Monday, June 27, 2011 – 6:00 p.m.

**Applicant:** Sara Group, Inc.  
875 Club Moses Ct.  
Marietta, GA 30068

**Property Owner:** Same as above

**Address:** 1256 Cobb Parkway North

**Land Lot:** 09320      **District:** 16      **Parcel:** 0090

**Council Ward:** 4      **Existing Zoning:** CRC (Community Retail Commercial)

**Special Exception / Special Use / Variance(s) Requested:**

1. Variance to allow vehicular parking on adjacent off-street property [Section 716.07 (A)]

### Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

### **Criteria:**

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

**PICTURES**



**1256 Cobb Parkway North**



**Parking on subject and adjacent property (1258 Cobb Parkway North)**

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**Recommended Action:**

**Approval.** Sara Group, Inc. is requesting a variance to allow the required parking for an office use be satisfied using an adjacent property. The office building is located at 1256 Cobb Parkway North and is zoned CRC (Community Retail Commercial). McDonald's, located at 1291 Bells Ferry Road, abuts the property to the rear. A BP gas station is located to the southeastern side; a vacant parking lot is located to the northwestern side. All of the surrounding properties are also zoned CRC.

There is not enough parking available on the subject parcel to renovate and use the existing building for office use. The applicant has stated that the building contains approximately 8,000 square feet of area. This would require approximately twenty three (23) parking spaces, although the property only contains enough area for twelve (12) full spaces. The submitted plan shows the remaining spaces being satisfied on the adjacent property to the northwest. These plans also show the driveway being relocated to provide better access to the McDonald's on Bells Ferry Road. The spaces being proposed on 1258 Cobb Parkway North would likely only serve as overflow for the McDonald's and possibly overflow for the proposed office building.

Shared parking allows for the more efficient use of land. The shared driveway is beneficial in the reduced number of curb cuts along Cobb Parkway North and increased connectivity between parcels. There should be no negative impacts on the surrounding properties as a result of this variance. As a result, **staff recommends approval of this variance request, with the stipulation that prior to approval of any site plan or permits for this site, the applicant must provide a permanent access agreement or other documentation that will secure access to this parking area.**